

7-1157

DEPARTMENT OF THE INTERIOR AND RELATED  
AGENCIES APPROPRIATIONS FOR 1971

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HEARINGS  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES  
NINETY-FIRST CONGRESS  
SECOND SESSION

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SUBCOMMITTEE ON DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

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JOHN O. MARSH, Jr., Virginia  
JOHN J. FLYNT, Jr., Georgia  
DAVID R. OBEY, Wisconsin<sup>1</sup>

BEN REIFEL, South Dakota  
JOSEPH M. McDADE, Pennsylvania  
WENDALL WYATT, Oregon

GEORGE E. EVANS, *Staff Assistant to the Subcommittee*

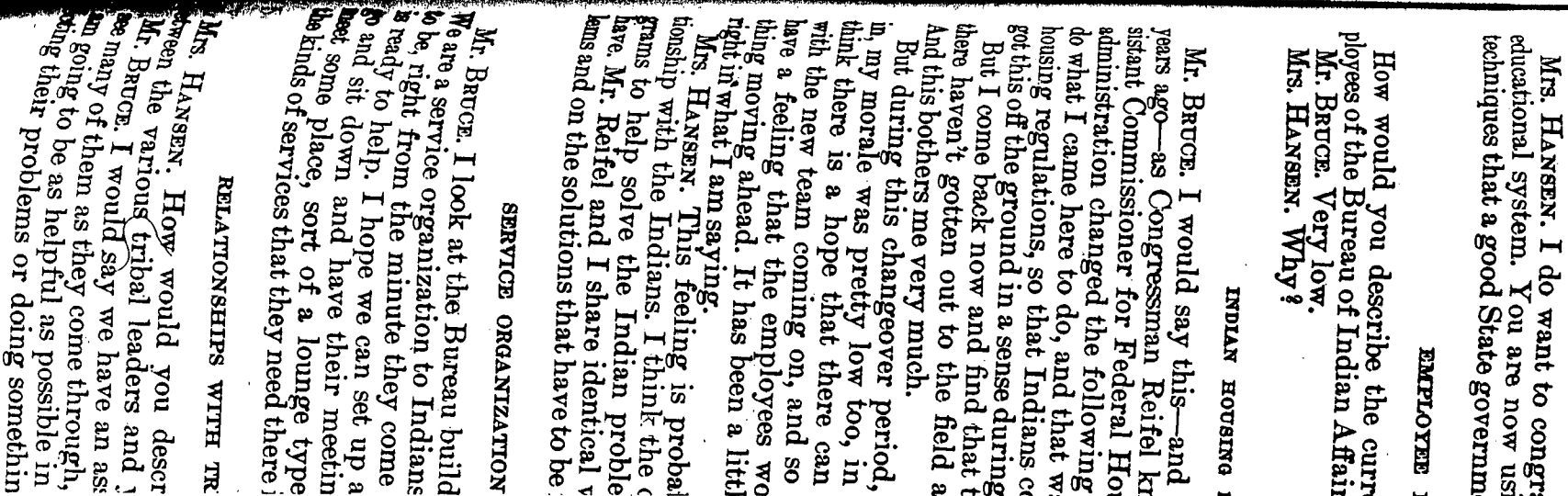
<sup>1</sup> Assigned to Subcommittee, February 20, 1970.

PART 2



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ceiling of 16,054, we have employed in permanent positions 14,588.  
 Mrs. HANSEN. 14,588 positions is way over your personnel ceiling?  
 Mr. GAJDYS. This ceiling is employment at the end of the year.  
 Mrs. HANSEN. Do you mean that you can have as many people employed as you want to during the year.

Mr. HITE. Yes, but we have to plan some sort of a curb or some sort of a basic logic behind swelling employment in the middle of the year. The logic I think is astounding and a subject of which I know very little that Dr. Benham touched on yesterday with respect to teacher turnover.

And we feel that the number of positions reflected in our budget does represent our actual requirement. The other constraint, of course, on enlarging or exceeding the end of the year employment ceiling would be the funding available.

(Additional information follows:)

#### GENERAL ADMINISTRATIVE EXPENSES

By having both a position ceiling and an employment ceiling, there is reflected the maximum and the minimum manpower factors for the Bureau. As a median for these factors we have man-year data which correlates to the total personnel cost. Because of the approximately 25 percent turnover in our professional manpower group, it is essential to have a margin between the positions authorized and the "on-board" strength or actual employment.

Mr. REIFEL. I would like to ask a question for my own information with regard to employment of teachers.

There was a period there in which the Bureau was not in position to pick up the teachers for some reason or other when they were graduating these people from the teacher-training institutions.

Has that situation improved so when the school is ready to go in the fall, you have a teacher there facing the children in the classroom.

Dr. BENHAM. Yes, sir; for the past 3 or 4 years we have been in that position.

Mr. REIFEL. You do not anticipate any change in this favorable situation which you now find yourself in?

Dr. BENHAM. Right.

Mr. REIFEL. Thank you.

#### PURCHASE OF AUTOMOBILES

Mrs. HANSEN. Justify your request for the purchase of 31 vehicles for replacement only.

Mr. CANAN. Thirty of the 31 are for law and order responsibility, Madam Chairman.

Mrs. HANSEN. What type of vehicle is the other one?

Mr. CANAN. I cannot answer that question.

Mr. GAJDYS. It is the sedan type.

Mr. CANAN. At one of our locations, for local service.

Mrs. HANSEN. Insert in the record where the remaining vehicle will be used.

The remaining vehicle will be used on the Flathead power project at Polson, Mont.

#### TRIBAL FUNDS

Please insert justification pages 109 through 115 in the record.  
 (The pages follow:)

#### TRIBAL FUNDS

##### Highlight Statement

Tribal funds have been deposited into the Treasury pursuant to various acts of the Congress to be made available for expenditure for the use and benefit of the respective tribal groups. About 300 Indian tribes, bands or identifiable groups have approximately 600 accounts in the U. S. Treasury which are used for the conduct of tribal financial programs, enterprises, businesses, and other tribal affairs. The source of these funds is largely from income derived from Federal management of tribal real properties, the title of which is held in trust by the United States for the tribes. Another significant source is judgments or awards made pursuant to either general or specific acts of Congress.

Tribal funds are available for various purposes, under various acts of Congress and are also subject to the provisions of tribal constitutions, bylaws, charters, and resolutions of the various tribes, bands or groups. Tribes who need their own funds which are on deposit in the U. S. Treasury are required to prepare budgets for approval. Funds are then programmed under three categories: Permanent Authorization, Annual Authorization, and Indefinite Authorization.

Funds programmed under the Permanent Authorization are made available under legislation which gives the Secretary of the Interior continuing authority to carry out the provisions of specific acts. Examples of such legislation are: Fort Peck Indians, Montana (68 Stat. 329), Minnesota Chippewa Tribe of Indians (58 Stat. 271), and the Navajo Indians (64 Stat. 44). Funds programmed under Permanent Authorization can be disbursed either through the Indian Service disbursing agent's accounts or advanced to a tribe for disbursement by a bonded tribal treasurer under an approved plan of operation. These funds do not require annual approval by Congress but are reported annually in the budget schedules to give the Congress an opportunity to review the activity conducted under the authorities extended to the Secretary of the Interior.

In the absence of permanent expenditure authorization, annual appropriation by the Congress is required to permit the use of tribal funds. Such authority is provided annually in the Department of the Interior Appropriations Act and covers two categories: (1) Annual definite; and (2) Annual indefinite.

Annual definite encompasses the use of funds, primarily, of those tribes who are not sufficiently organized to be represented by a recognized governing body. Funds programmed under this type of authorization are not otherwise available for expenditure without Congressional action and the \$3 million requested for fiscal year 1971 is to provide the Secretary of the Interior with expenditure authority for the execution of programs, including such items as education of Indian children, compensation and expenses of tribal officers, councils, committees, and for various other purposes benefiting the particular Indian tribes. Expenditures made under this authority are individually made through Treasury regional disbursing offices, subject to the same regulations and procedures as appropriations from the general fund of the Treasury, and require annual approval by Congress.

The annual indefinite authorization in the Appropriation Act, under the heading Tribal Funds, provides the necessary authority, on an annual basis, for the Secretary of the Interior, for such purposes as are designated by a particular tribe, to withdraw from the tribal accounts in the Treasury funds to carry out programs approved by the Secretary and the conduct of tribal operations, including, but not limited to, management of tribal resources and other programs designed to improve the situation of the general membership. These funds are

advanced to tribes for disbursement by Indian Service disbursing agents or by bonded tribal treasurers under a plan of operation.

Some tribes employ more than one of the foregoing methods in conducting their affairs. In the last 15 to 20 years, many tribes have progressed to the point that they have taken over the management of their affairs and the disbursement of their funds under a plan of operation previously approved by the Secretary and it is the policy of the Bureau to encourage tribes in this respect. Annual audits made of tribal funds by certified accountants of commercial auditing firms are submitted to the Bureau for review and information.

Plan of work: No part of the funds contained in this estimate represents a charge upon the Federal Treasury. This item reflects the disbursement of funds to the credit of Indian tribes or bands under numerous special acts of Congress in compliance with the terms of the various trusts and for carrying out tribal programs recommended by the tribal governing bodies with the approval of the Commissioner of Indian Affairs.

The budget schedule reflects under the Permanent Authorization disbursements from the tribal trust funds authorized by permanent legislation, and under the Annual and Indefinite Authorizations amounts requested annually by the various tribes for carrying out various tribal activities.

The estimate, therefore, is restricted to the funds requested annually as required by section 27 of the Act of May 18, 1916 (39 Stat. 158).

#### Status of Programs

The amount of \$425,725 for miscellaneous tribes shown as the last line item of "Comparative Statement of Annual Authorization by Tribes" is required to provide for additional anticipated resolutions during the fiscal year.

#### DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS

	Indian Tribal Funds		
	1969	1970	1971
1. Annual Authorization.....	\$ 2,398,423	\$ 3,000,000	\$ 3,000,000
2. Indefinite Authorization.....	13,899,307	13,204,000	13,204,000
3. Permanent Authorization.....	85,600,471	81,563,000	50,138,000
Total.....	\$101,898,201	\$97,767,000	\$66,342,000

Comparative Statement of Annual Authorization Activities		
1. Education and Welfare Services.....	\$ 61,324	\$ 69,750
2. Resources Management.....	514,211	710,300
3. Construction and Land Acquisition..	235,988	319,250
4. General Tribal Affairs.....	1,586,900	1,900,700
Total.....	\$ 2,398,423	\$ 3,000,000